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10.9.  
550336UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,

Plaintiff,

CONNECTICUT FUND FOR THE  
ENVIRONMENT, INC. and  
BOARD OF WATER COMMISSIONERS  
FOR THE TOWN OF SOUTHTON,

Plaintiffs-Intervenors,

-v-

SOLVENTS RECOVERY SERVICE  
OF NEW ENGLAND, INC.,

Defendant.

Civil Action No. H-79-704(JAC)

AFFIDAVIT OF JAMES R. HULM  
IN SUPPORT OF MOTION TO ADD  
NECESSARY PARTIES, ~~REDACTED~~~~REDACTED~~  
~~REDACTED~~  
~~REDACTED~~

STATE OF NEW JERSEY:

SS.:

COUNTY OF ESSEX :

JAMES R. HULM, of full age, being duly sworn according  
to law, upon his oath, deposes and says:1. I am vice-president of Solvents Recovery Service of  
New England, Inc. (SRSNE), a licensed engineer and am familiar with  
the facts set forth herein.2. On February 23, 1983 this Court entered a consent  
decree settling the dispute in the above matter. Paragraph 8 of  
the consent decree requires SRSNE to design, construct and imple-  
ment a multi-point shallow well system to be installed as close as

possible to the eastern and southern boundaries of the SRSNE property. The goal of the system is to prevent off-site migration of contaminated groundwater and to extend the system's cone of influence to the maximum practical extent off-site. Paragraph 8 of this consent decree requires SRSNE also to submit designs and specifications for this system to EPA for its approval and to construct and operate the system thereafter. I have been supervising and overseeing these duties on behalf of SRSNE.

3. As required by Paragraph 8 of the consent decree, SRSNE submitted to EPA for its approval designs and specifications, which included the placement of two wells on the property just east of the SRSNE facility owned by Cianci Construction Corp., (Cianci Property) whose President is Nicholas Cianci. These wells are not necessary for the operation of the groundwater recovery system, but are intended as verification wells to determine the extent off-site of the cone of influence of the on-site groundwater recovery system.

4. EPA approved the plans and specifications that SRSNE submitted, including placement of the verification wells on the Cianci Property.

5. Thereafter, I was involved in discussions with EPA concerning access to the Cianci Property. To obtain permission to place the wells on that property, I made numerous inquiries of Cianci to explain what SRSNE wanted to do, why that action was necessary and beneficial, and why permission to install the verification wells was in everyone's interest. For example, I communicated with Cianci by letter:

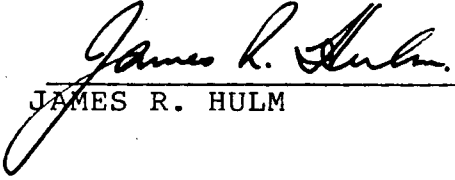
WENSTEIN, SANDLER,  
BROCHIN, KOHL,  
FISHER, BOYLAN  
& MEANOR  
PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW  
65 LIVINGSTON AVENUE  
ROSELAND, N. J. 07068  
(201) 992-8700

- a. On January 5, 1984 requesting permission to place the verification wells on the Cianci Property;
- b. On January 20, 1984 indicating that I would be giving specific information as to the location of the verification wells;
- c. On February 16, 1984 supplying Cianci with a scaled drawings showing the location proposed for the verification wells;
- d. On June 29, 1984 renewing the request for permission to place the wells and providing Cianci with a letter from Richard Barlow of the Connecticut DEP to another adjoining landowner, in which Mr. Barlow explained the importance of granting permission to place the verification well properly.

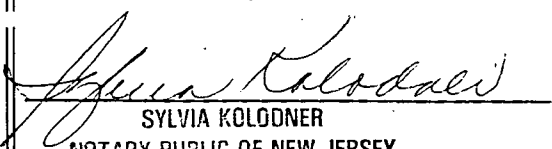
Cianci never formally replied to any of these requests or letters.

6. Since my letter of June 19, 1984 went unanswered, I have deemed it futile for me to communicate with Cianci further. Thereafter, I requested that Robert Hall, a Connecticut attorney, speak with Cianci's attorney to attempt yet again to obtain permission to install the verification wells.

7. SRSNE is anxious to operate the system and fulfill its requirements under the consent decree. It is unlikely that SRSNE can do so unless Cianci is made a party to this action and forced to cooperate, or, unless SRSNE is relieved of the obligation to install verification wells on the Cianci property.

  
JAMES R. HULM

Sworn and subscribed to  
before me this 7<sup>th</sup> day  
of November, 1985.

  
SYLVIA KOLODNER

NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Dec. 13, 1988

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